

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-21 remain in the application.

In the second paragraph on page 2 of the above-identified Office action, the Examiner requested that applicant ensure all reference numerals in the drawing are in the specification and vice versa. Fig. 3 has been changed to delete characters that were duplicated and also to delete characters that were not described in the specification.

In the last paragraph on page 2 of the Office action, claims 1-21 have been rejected as being fully anticipated by Krups (DE 88 11 118) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1, 11, and 21 call for, *inter alia*:

the electromotor being operatively connected to the element and rotationally driving the element at a first speed upon actuation of the first switch, and at a second speed greater than said first speed upon actuation of the second switch.

It is noted that the Krups reference is a German "Gebrauchsmuster" and only the claims of the Krups reference are available as prior art, as the rest of the document is not considered to be a publication. Therefore, the response to the Examiner's rejection will deal only with what is claimed in Krups.

The Krups reference discloses an electrically operated device for the juicing of fruits and vegetables. The device includes a juicer (40) and a juice filter (65) that is separate from the juicer (40). The juicer (40) is driveable at a lower speed than the juice filter (65) by an electric motor (35). The juicer (40) can be driven without a lid (58) in place. The juice filter (65) is driveable at a higher speed than the juicer (40) by the motor (35). The juice filter can only be driven when the lid (58) is in place. Separate switches are provided as on/off switches (63 and 64) for the juicer (40) and the juice filter (65) and the switches are disposed on the

housing of the device. The switch (63) controls the juicer (40) and the switch (64) controls the juice filter (65) (claims 1-4).

The reference does not show the electromotor being operatively connected to the element and rotationally driving the element at a first speed upon actuation of the first switch, and at a second speed greater than said first speed upon actuation of the second switch, as recited in claims 1, 11, and 21 of the instant application. The Krups reference discloses two separate on/off switches. One switch is used for actuating a juicer and the other switch is used for actuating a juice filter. The Krups reference does not disclose that an element is driven at a first speed based on the actuation of a first switch, and that the element is driven at a second speed greater than the first speed based upon the actuation of a second switch. This is contrary to the invention of the instant application as claimed, in which the electromotor is operatively connected to the element and rotationally drives the element at a first speed upon actuation of the first switch, and at a second speed greater than said first speed upon actuation of the second switch.

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Since claims 1 and 11 are believed to be allowable over Krups, dependent claims 2-10 and 12-20 are believed to be allowable over Krups as well.

In the first paragraph on page 3 of the Office action, claims 1, 11, and 21 have been rejected as being fully anticipated by Sham et al. (U.S. Patent No. 6,070,519) (hereinafter "Sham") under 35 U.S.C. § 102.

The Sham reference discloses a juice extractor and beverage mixer apparatus having a motor (68). The motor (68) has a shaft to which a pinion gear (70) is attached. The pinion gear (70) drives a mixing gear (74) via a transmission gear (72). The pinion gear (70) also drives an extraction gear (76). An on/off switch (82) connects power to the motor (68) via a plug (86) and line (84). A microswitch (92) is included for providing a safety interlock to disable the switch (82) if the modules of the juicer are not properly assembled. Sham discloses that the extractor and mixing paddle may be rotatable selectively at different times by using a clutch. Sham discloses that multiple switches and motors may selectively operate the mixing or extracting functions. Sham discloses that the speeds of the extractor and paddles may be operated at different speed by using a variable or step speed control.

The reference does not show the electromotor being operatively connected to the element and rotationally driving the element at a first speed upon actuation of the first switch, and at a second speed greater than said first speed upon actuation of the second switch, as recited in claims 1, 11, and 21 of the instant application. The Sham reference discloses an on/off switch for providing power to the motor. Sham discloses a microswitch which ensures that the modules of the apparatus are properly assembled and in place. The Sham reference does not disclose that a element is driven at a first speed based on the actuation of a first switch, and that the element is driven at a second speed greater than the first speed based upon the actuation of a second switch. This is contrary to the invention of the instant application as claimed, in which the electromotor is operatively connected to the element and rotationally drives the element at a first speed upon actuation of the first switch, and at a second speed greater than said first speed upon actuation of the second switch.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 11, or 21. Claims 1, 11, and 21 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately

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dependent on claims 1 or 11, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-21 are solicited.


In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$110 in accordance with Section 1.17 is enclosed herewith.

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Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &  
Greenberg P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicant(s)

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AKD:cgm

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Drawing Amendments

The attached sheet of drawings includes changes to Fig. 3. This sheet which includes Fig. 3, replaces the original sheet including Fig. 3. In Fig. 3, duplicate elements were deleted and element 21 not described in the specification was deleted.

Please approve the drawing changes that are marked in red on the accompanying "Annotated Sheet Showing Changes" of Fig. 3. A formal "Replacement Sheet" of amended Fig. 3 is also enclosed.

Attachments: Replacement Sheet  
Annotated Sheet Showing Changes



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Fig. 3

